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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/779,049	02/07/2001	Mark Phillips	S1022/8617	5549

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EXAMINER

MCCARTHY, CHRISTOPHER S

ART UNIT	PAPER NUMBER
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2113

DATE MAILED: 06/03/2004

9

Please find below and/or attached an Office communication concerning this application or proceeding.

14

Office Action Summary

Application No.

09/779,049

Applicant(s)

PHILLIPS, MARK

Examiner

Christopher S. McCarthy

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 19 April 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-9 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 2-4 and 7-9 is/are allowed.
- 6) ☒ Claim(s) 1 and 5 is/are rejected.
- 7) ☒ Claim(s) 6 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 07 February 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☒ Other: Response to arguments.

DETAILED ACTION

1. Claims 1 and 5 are rejected under 35 U.S.C. 102(b) as being anticipated by Hall et al. U.S. Patent 5,175,828, as cited in prior office action, which was mailed on 12/19/2003.
2. Claims 2-4, 7-9, are allowable as cited, in prior office action, which was mailed on 12/19/2003.
3. Claim 6 is allowable with respect to the dependency upon claim 2, but objected to with respect to the dependency upon claim 5.

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1 and 5 are rejected under 35 U.S.C. 102(b) as being anticipated by Hall et al. U.S. Patent 5,175,828.

As per claim 1, Hall discloses a method of operating a target computer system, wherein said target computer system has a memory comprising plural addressable locations and is adapted to run an application, the method comprising of providing on a host computer a file, comprising a subroutine required for operation of said application; dynamically loading said file from said host computer to said memory of said target computer system, whereby said file has an entry point has an entry point at a dynamically-determined addressable location (column 3, lines

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45-68); storing at a predetermined one of said addressable locations data representative of the address of said entry point (column 6, lines 19-26); running said application, whereby said application determines said data representative of said address thereby accessing said subroutine; and running said subroutine (column 6, lines 58-61).

As per claim 5, Hall discloses a device for operating an embedded digital signal processor said embedded signal processor having a memory comprising plural addressable locations, and being adapted to run an application, the device comprising a host computer connected to said embedded digital signal processor, said host computer comprising a computer file including a computer file including a subroutine required for said application (column 3, lines 61-67); said host computer comprising a linker-loader connected to said link and operative to send file and dynamically load said file to said memory of said embedded signal processor whereby said file has an entry point at one of said addressable locations, said loader-linker comprising means for storing at a predetermined one of said addressable locations data representative of the address of said entry point (column 3, lines 45-67); said embedded digital signal processor comprising processor circuitry running said application whereby said application determines said data representative of said address, thereby accessing said file to enable said application to run (column 6, lines 19-26).

Allowable Subject Matter

5. Claim 6 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

6. Claims 2-4, 7-9 are allowable.

Response to Arguments

7. Applicant's arguments filed 4/19/2004 have been fully considered but they are not persuasive.

As per claims 1 and 5, the applicant argues that Hall does not teach wherein the location of the address of the new subprogram in RAM is predetermined. The examiner respectfully disagrees. The examiner considers the predetermined state of the address of the subroutine as inherent. Hall teaches the subprogram “_jump_selectMeas (in application)” is placed into the RAM at an address and this address is called by other existing procedures in the program (column 6, lines 29-36). The procedure calls to this new subroutine location address must be known by the calling procedures and, therefore, it is inherent that the address of the subroutine is predetermined as to allow the correct entry point calls to the subroutine. Therefore, all applicable rejections stand.

Conclusion

8. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after

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the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Christopher S. McCarthy whose telephone number is (703)305-7599. The examiner can normally be reached on M-F, 8 - 4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Robert Beausoliel can be reached on (703)305-9713. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

csm
May 28, 2004



SCOTT BADERMAN
PRIMARY EXAMINER